THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.12251 of 2007

MONDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND SEVEN

Between:

T. Ranga Reddy, S/o. T. Venkatappa Reddy,
Aged about 70 years, Occ: Agriculture,
R/o. Pragadavaram village, Chintalapudi
Mandal, West Godavari District.

… Petitioner

And

The District Collector, Eluru, West Godavari
District, and others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the notification dated 16-05-2007, issued by the first respondent in proceedings Roc.No.283/07/G1 (SW), under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') as illegal and arbitrary.

Heard learned counsel for the petitioner and learned

Government Pleader for Land Acquisition appearing for the respondents.

Petitioner claims to be the absolute owner and possessor of land admeasuring Ac.0.20 guntas covered by S.No.546-3 and Ac.0.20 cents covered by S.No.546-4 in Pragadavaram village, having purchased the same from Sri G. Dharma Reddy and Sri Krishna Reddy in the year 1985. It is stated that he has constructed a residential house in the said land and also raised coconut trees etc. The impugned notification has been issued by the first respondent notifying certain lands for the purpose of providing house sites to weaker sections.

The only ground on which the said notification is questioned is that petitioner is a small farmer and does not own any other land except the land in question. The case of the petitioner is that though there are other lands available in the village, which are suitable for providing house sites to weaker sections, he is being deprived of his land.

The impugned notification itself shows that enquiry as contemplated under Section 5-A of the Act is not dispensed with. Whether the petitioner is a small farmer or not would be known after enquiry is conducted. In view of the compact notification, whether the land of the petitioner can be separated is a matter to be enquired into by the notifying authority under Section 5-A of the Act.

In that view of the matter, I dispose of the writ petition permitting the petitioner to file his objections before the second respondent and if any such objections are received from the petitioner, second respondent shall consider the same in the enquiry contemplated under Section 5-A of the Act and pass appropriate orders. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 9, 2007
MRR